

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

08 MAR 2006

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 80376F	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FI2004/000741	International filing date (day/month/year) 07-12-2004	Priority date (day/month/year) 05-12-2003
International Patent Classification (IPC) or national classification and IPC See Supplemental Box		
Applicant Frwd Technologies Oy et al		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☒ (sent to the applicant and to the International Bureau) a total of 6 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of _____ sheets, as follows: _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 05-10-2005	Date of completion of this report 28-02-2006
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: Cover sheet

INTERNATIONAL PATENT CLASSIFICATION (IPC) :

A61B 5/00 (2006.01)

A61B 5/02 (2006.01)

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☐ the international application in the language in which it was filed
☐ a translation of the international application into _____,
 which is the language of a translation furnished for the purposes of:
☐ international search (Rules 12.3(a) and 23.1(b))
☐ publication of the international application (Rule 12.4(a))
☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ the international application as originally filed/furnished
☒ the description:
 pages 1 - 13 _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
☒ the claims:
 pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* 1 - 6 _____ received by this Authority on 05-10-2005
 pages* _____ received by this Authority on _____
☒ the drawings:
 pages 1 - 3 _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-9, 11-26</u>	YES
	Claims	<u>10</u>	NO
Inventive step (IS)	Claims	<u>1-9, 13-26</u>	YES
	Claims	<u>10-12</u>	NO
Industrial applicability (IA)	Claims	<u>1-26</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The claimed invention relates to a method, a system, a measurement device and a receiving device for providing feedback, relating to an activity, to at least one individual. A single measurement device can be used to transmit all relevant information relating to an activity. The receiving device may then decide what pieces of activity information to use.

Documents cited in the International Search Report:

D1: US 6013007 A
D2: US 2003/0065257 A1
D3: WO 0142809 A2

This report is based upon the amended claims as filed with the letter of 05-10-2005.

Document D1 discloses a GPS-based personal athletic performance monitor for providing an athlete with real-time performance feedback data (abstract). The feedback is provided through a set of audio headphones using an audio module. The monitor comprises a central processor unit to which different sensors are connected, e.g. a GPS-receiver module and a heart rate sensor (figure 6). Before exercising, the athlete sets his/her preferences using menu control buttons and a display (column 6, line 63-column 7, line 5). Performance data such as elapsed distance, average speed and calories burned are calculated (column 7, lines 40-49). The athlete can choose the

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Supplemental Box

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Continuation of: BOX V

type of feedback information, e.g. full or summarized.

Document D2 discloses a diet and activity-monitoring device that includes an activity calculator (90 in figure 4). Activities, for example signals and information from a heart rate sensor and a GPS, are measured (section [0043]) and displayed to the user on a display screen. In one embodiment, a stationary bicycle, that includes a computer that measures speed, duration and other factors, transfers data to the activity calculator (section [0044]). This data transmission is done via a local communication link, probably according to a communication protocol.

Document D3 discloses a system for monitoring athletic performance (abstract). Data from e.g. a GPS and a heart rate sensor (page 22, lines 4-8) are collected and processed. The heart rate sensor could be an external chest-strap sensor. The user's athletic performance statistics are shown on a display unit.

The invention according to claim 10 only states that a plurality of activity quantities are measured and transmitted, during the activity, to at least one receiving device. The invention according to claim 10 is so broadly formulated that it is disclosed by the measurement device in D2. Thus, the invention defined in claim 10 is not new and consequently lacks novelty and inventive step.

The subject matter of claims 11 and 12, i.e. the measured quantities and the calculation of additional pieces of activity information, is only considered to constitute details that are obvious for a person skilled in the art. Consequently, the invention according to claims 11 and 12 fails to involve an inventive step.

The invention according to claims 1-9 and 13-26 differs from documents D1-D3 in that the receiving device, which also provides feedback to the user, is separated from the measuring device. This makes it possible to use a variety of receiving

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devices. The receiving device may then decide what pieces of information to use. The invention relates to the problem that every activity or sport needs a dedicated measurement device that can be used to analyse the performance.

Documents D1-D3 do not disclose the method, the receiving device and the system according to claims 1-9 and 13-26. No relevant combination of the cited documents would lead a person skilled in the art to the invention defined in those claims. The invention according to claims 1-9 and 13-26 is thus novel and is considered to involve an inventive step.

The invention according to claims 1-26 is considered to be industrially applicable.